

Spangenberg 153516



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Osiris Distributing, Inc.

**File:** B-259924

**Date:** January 10, 1995

### DECISION

Osiris Distributing, Inc. protests the rejection of its offer for items 1-15 under solicitation No. 7FXI-C6-94-5315-S, issued by the General Services Administration.

We dismiss the protest as untimely because it was filed more than 10 days after the protester knew, or should have known, of the basis for its protest.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Under these rules, protests not based upon alleged improprieties in a solicitation must be filed no later than 10 working days after the protester knew, or should have known, of the basis for protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2). In this regard, a protester's receipt of oral information forming the basis of its protest is sufficient to start the 10-day time period running; written notification is not required. Swafford Indus., B-238055, Mar. 12, 1990, 90-1 CPD ¶ 268.

Our timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Air Inc.--Request for Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. In order to prevent those rules from becoming meaningless, exceptions are strictly construed and rarely used. *Id.*

The protest is dismissed.

*James A. Spangenberg*  
James A. Spangenberg  
Assistant General Counsel